

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23245 of 2018

Arising Out of PS. Case No.-64 Year-2017 Thana- MURAR
District- Buxar

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Raja Kumar, Son of Late Mohan Mali @ Mohan Prasad, R/o
Village- Baida, P.S.- Murar, Dist- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-09-2018 The petitioner seeks bail in connection with

Murar P.S. Case No. 64 of 2017 dated 19.09.2017

instituted for the offences under Sections 341, 323,

307, 504, 506, 354(A)(I)/34 of the Indian Penal Code

and Sections 8/11 of the Protection of Children From

Sexual Offences Act, 2012.

The prayer of the petitioner for grant of bail

was rejected earlier and the petition was permitted to be

withdrawn by order dated 04.01.2018 passed in Cr.

Misc. No. 52668 of 2017.



The petitioner is said to have made an attempt to subject a four year old daughter of the informant to sexual act. However, the F.I.R indicates that before the petitioner could cause any harm to the victim, she ran away from the room.

The learned counsel for the petitioner has submitted that there was a dispute with the father of the victim for not returning the loan which had been given by the petitioner to the father of the victim. Apart from this, it has been submitted, the medical report also does not speak of any evidence regarding the victim having put to any physical/sexual misdemeanor. Since the prosecution was launched with an oblique motive, with the passage of time, the informant lost interest in prosecuting the case and has entered into a settlement with the petitioner.

The order impugned dated 20.03.2018 reveals that the petitioner is in custody since 20.09.2017 and in the aforesaid case, charges have been framed on 11.01.2018 but till date, no witness has turned up to



depose against the petitioner.

Regard being had to the aforesaid facts and that the informant is not interested in prosecuting the petitioner any further, the petitioner above named is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I-cum-Special Judge, SC/ST and POCSO Act, Buxar in connection with Murar P.S. Case No. 64 of 2017.

The petitioner shall, however be present on all dates before the Trial Court and his absence from the trial proceedings for three consecutive occasions, without any plausible reason shall entitle the Trial Court to cancel his bail bonds.

(Ashutosh Kumar, J)

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